

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**CIRIACO PUCILLO**

**Plaintiff**

**v.**

**METSO PAPER INC. AND**

**VALMET CONVERTING, INC.**

**Defendants**

**C.A. NO. 03-CV-12359 MLW**

**MEMORANDUM IN SUPPORT OF  
PLAINTIFF'S MOTION TO MODIFY SCHEDULING ORDER  
TO ESTABLISH DEADLINES FOR EXPERT TESTIMONY**

The Plaintiff, Ciriaco Pucillo, respectfully requests that this Honorable Court modify the Scheduling Order governing this action to permit the parties to commence the expert discovery phase of this action.

The original Scheduling Order for this action, issued August 11, 2004, provided that non-expert discovery was to be completed by April 20, 2005. The parties were to appear for a second Scheduling Conference on May 12, 2005, which was cancelled and re-scheduled by the Court to August 4, 2005. Prior to that date, the parties were notified that the rescheduled Scheduling Conference was cancelled. No new date has been scheduled, and there currently is no Scheduling Order in effect.

Accordingly, the Plaintiff requests that an Order issue regarding the next phase of discovery which is intended to focus on expert trial testimony. This phase of discovery will include completion of expert reports, disclosures as contemplated by Rule 26, depositions of experts, independent medical examination(s) and completion of any and all remaining discovery. The Plaintiff proposes the following schedule for this phase:

Plaintiff's Rule 26 Expert Disclosures: October 14, 2005

Depositions of Plaintiff's Experts: November 18, 2005

Independent Medical Examination: December 16, 2005, with medical report to follow within a reasonable period

Defendant's Rule 26 Expert Disclosure: January 20, 2006

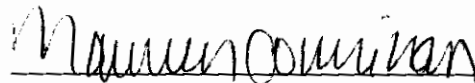
Depositions of Defendant's Experts: February 24, 2006

Close of Discovery: February 24, 2006

The Plaintiff proposes that summary judgment motions will be filed within forty-five days of the close of discovery.

WHEREFORE, the Plaintiff respectfully requests that this Honorable Court modify the Scheduling Order and/or issue a new Scheduling Order governing this action to permit the parties to commence the expert discovery phase of this action.

Respectfully Submitted,



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*Attorney For Plaintiff Ciriaco Pucillo*

Dated: August 18, 2005